



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Larry Esquivel

SUBJECT: REGIONAL GUN TASK FORCE

DATE: May 28, 2013

Approved

Date

5/28/13

As part of the 2013-2014 Mayor's March Budget Message as approved by the City Council, the City Council directed staff to confer with the District Attorney and the Sheriff about development of a regional Gun Task Force to confiscate weapons from registered gun owners who are prohibited from possessing firearms and provide a cost estimate.

BACKGROUND AND ANALYSIS

In March 2012, the San José Police Department piloted the Armed Prohibited Persons (APP) program as a firearm compliance verification program to remove weapons from the street. Using data received from the California Department of Justice, Bureau of Firearms, officers conduct a brief investigation and background check before knocking on the door of a person that is prohibited from possessing firearms. The officers then request that the person voluntarily surrender any firearms, because weapons are forfeited strictly on a voluntary basis and officers do not have the right to search any residence based solely on the APP information.

Following is a summary of activity since the pilot program's implementation:

- Twenty-seven (27) gun owner compliance checks have been completed.
- Sixteen (16) firearms have been seized.
- Two (2) persons on the list declined to surrender their firearms.
- Two (2) persons on the list were incorrectly placed on the list.
- Informational police reports have been completed for each contact.

The goal of the APP program is to remove weapons from the street. This program has been successful; however, due to limited resources, it has been accomplished solely through the use of overtime; the Department has allocated approximately \$25,000 of its current overtime budget for this program.

As of March 1, 2013, the California Department of Justice, Bureau of Firearms, reported there are 281 registered gun owners residing in the City of San José who are legally prohibited from possessing firearms, and county-wide there are a total of 510 registered gun owners on the list. While a task force can help address specific problems, involving the District Attorney in a regional gun task force would then include arrest and prosecution, making it less likely for

people to voluntarily surrender their weapons. Based on discussions with the Santa Clara County District Attorney, there is currently no interest in creating such an enforcement type task force aimed at prosecuting every incident. However, as part of the voluntary surrender model, there may be some occasions when potential prosecution is the best course of action. During those rare incidents, the Department will coordinate with the District Attorney's Office.

If an enforcement only task force were developed, it would need to include the following components:

- complete workup and background check on each case
- writing reports with the elements for prosecution
- researching the history of a weapon and tracing stolen weapons
- search warrant and enforcement
- arrest and prosecution

One additional Police Sergeant position would be needed in order for the San José Police Department to participate in such a task force (\$195,390, including equipment). However, the Department has reduced participation in some task forces in order to fill vacancies in patrol and ensure resources are available to respond to calls for service. Staffing reallocations include one lieutenant from the Regional Auto Theft Task Force (RATTF), one sergeant from the Regional Computer Forensics Laboratory (RCFL), one officer from the Human Trafficking Task Force, and one officer working with the FBI on a gang enforcement task force. Before allocating resources to a new task force, the capacity of existing resources would have to be considered.

The Department also coordinates with the County Sheriff's Department regarding their anonymous gun buyback program. This program allows gun owners to surrender their firearms on a voluntary basis for cash. The last event was conducted on March 23, 2013. The Department is currently working with City Councilmembers and the District Attorney's Office to put together another gun buyback event focused on San Jose residents, which is tentatively scheduled for December 2013. A fundraising plan is currently being developed with a goal to raise \$150,000 in donations.

The voluntary surrendering of weapons allows a higher level of confiscated weapons than strictly enforcement. The Department plans to continue its efforts in the APP program, which is estimated to be about \$25,000 for overtime for two cycles per year, and will continue to coordinate with the County regarding ongoing buyback events. The cost for these two cycles is assumed in the 2013-2014 Proposed Operating Budget.

/s/
Larry Esquivel
Acting Chief of Police

LE/LP